

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1185**

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**Introduced by Senator Lowenthal**

*(Principal coauthor: Assembly Member Houston)*

*(Coauthor: Assembly Member Walters)*

February 12, 2008

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~~An act to amend Section 66452.11 of, to amend and renumber Sections 66452.11 and 66452.12 of, and to repeal Section 66452.13 of,~~  
*An act to amend Sections 66452.11 and 66452.13 of, to add Section 66452.16 to, and to amend and renumber Sections 66452.11 and 66452.12 of,* the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1185, as amended, Lowenthal. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by, the city, county, or city and county in which the land is situated a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political

subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 24 months, as specified, for any vesting tentative map, in addition to a tentative map, generally. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 66452.11 of the Government Code, as  
2     added by Section 1 of Chapter 407 of the Statutes of 1993, is  
3     amended to read:

4     66452.11. (a) The expiration date of any tentative subdivision  
5     map or parcel map for which a tentative map has been approved  
6     that has not expired on the date that the act that adds this section  
7     becomes effective shall be extended by 24 months.

8     (b) The extension provided by subdivision (a) shall be in  
9     addition to any extension of the expiration date provided for in  
10    Section 66452.6, 66452.16, or 66463.5.

11    (c) Any legislative, administrative, or other approval by any  
12    ~~state agency of the State of California~~ that pertains to a

development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that adds this section becomes effective.

~~SECTION 1. Section 66452.11 of the Government Code, as added by Section 1 of Chapter 407 of the Statutes of 1993, is amended to read:~~

~~66452.11. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that amends this section becomes effective shall be extended by 24 months.~~

~~(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6 or 66463.5.~~

~~(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that amends this section becomes effective.~~

~~SEC. 2. Section 66452.11 of the Government Code, as added by Section 6 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:~~

~~66452.14 (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.~~

~~(b) The notice shall be as follows:~~

~~“To the occupant(s) of~~

~~\_\_\_\_\_:~~  
~~(address)~~

~~The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner’s intention to convert the building to a (condominium, community apartment, or stock cooperative project).~~

1 A tentative map to convert the building to a (condominium,  
2 community apartment, or stock cooperative project) was approved  
3 by the City on \_\_\_\_\_. If the City approves a final map, you  
4 may be required to vacate the premises, but that cannot happen  
5 for at least 180 days from the date this notice was served upon  
6 you.

7 Any future notice given to you to terminate your tenancy because  
8 of the conversion cannot be effective for at least 180 days from  
9 the date this notice was served upon you. This present notice is  
10 not a notice to terminate your tenancy; it is not a notice that you  
11 must now vacate the premises.

12  
13 \_\_\_\_\_  
14 (signature of owner or owner's agent)

15 \_\_\_\_\_  
16 (date)"  
17

18 The written notices to tenants required by this section shall be  
19 deemed satisfied if such notices comply with the legal requirements  
20 for service by mail.

21 SEC. 3. Section 66452.12 of the Government Code, as added  
22 by Section 7 of Chapter 612 of the Statutes of 2007, is amended  
23 and renumbered to read:

24 66452.15 (a) Pursuant to subparagraph (F) of paragraph (2)  
25 of subdivision (a) of Section 66427.1, the subdivider shall give  
26 written notice within five days after receipt of the subdivision  
27 public report to each tenant of his or her exclusive right for at least  
28 90 days after issuance of the subdivision public report to contract  
29 for the purchase of his or her respective unit in the form outlined  
30 in subdivision (b).

31 (b) The notice shall be as follows:

32  
33 "To the occupant(s) of

34 \_\_\_\_\_:  
35 (address)  
36

37 The owner(s) of this building, at (address), have received the  
38 final subdivision report on the proposed conversion of this building  
39 to a (condominium, community apartment, or stock cooperative  
40 project). Commencing on the date of issuance of the subdivision

1 public report, you have the exclusive right for 90 days to contract  
2 for the purchase of your rental unit upon the same or more  
3 favorable terms and conditions than the unit will initially be offered  
4 to the general public.

5  
6  
7 \_\_\_\_\_  
(signature of owner or owner's agent)

8  
9 \_\_\_\_\_  
(date)"

10  
11 The written notices to tenants required by this section shall be  
12 deemed satisfied if the notices comply with the legal requirements  
13 for service by mail.

14 ~~SEC. 4. Section 66452.13 of the Government Code is repealed.~~  
15 *SEC. 4. Section 66452.13 of the Government Code is amended*  
16 *to read:*

17 66452.13. (a) The expiration date of any tentative or vesting  
18 tentative subdivision map or parcel map for which a tentative map  
19 or vesting tentative map has been approved, that has not expired  
20 on or before the date the act that adds this section becomes effective  
21 shall be extended by 12 months.

22 (b) The extension provided by subdivision (a) shall be in  
23 addition to any extension of the expiration date provided for in  
24 Section 66452.11, 66452.16, 66452.6, or 66463.5.

25 (c) Any legislative, administrative, or other approval by any  
26 state agency that pertains to a development project included in a  
27 map that is extended pursuant to subdivision (a) shall be extended  
28 by 12 months if this approval has not expired on the date that the  
29 act that adds this section becomes effective. This extension shall  
30 be in addition to any extension provided for in Section 66452.11.

31 *SEC. 5. Section 66452.16 is added to the Government Code,*  
32 *to read:*

33 66452.16. (a) *The expiration date of any tentative or vesting*  
34 *tentative subdivision map or parcel map for which a tentative or*  
35 *vesting tentative map, as the case may be, has been approved that*  
36 *has not expired on the date that the act that adds this section*  
37 *becomes effective shall be extended by 24 months.*

38 (b) *The extension provided by subdivision (a) shall be in addition*  
39 *to any extension of the expiration date provided for in Section*  
40 *66452.6, 66452.11, 66452.13, or 66463.5.*

1     (c) Any legislative, administrative, or other approval by any  
2     state agency that pertains to a development project included in a  
3     map that is extended pursuant to subdivision (a) shall be extended  
4     by 24 months if this approval has not expired on the date that the  
5     act that adds this section becomes effective. This extension shall  
6     be in addition to any extension provided for in Section 66452.13.

7     ~~SEC. 5.—If the Commission on State Mandates determines that~~  
8     ~~this act contains costs mandated by the state, reimbursement to~~  
9     ~~local agencies and school districts for those costs shall be made~~  
10    ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
11    ~~4 of Title 2 of the Government Code.~~

12    SEC. 6. No reimbursement is required by this act pursuant to  
13    Section 6 of Article XIII B of the California Constitution because  
14    a local agency or school district has the authority to levy service  
15    charges, fees, or assessments sufficient to pay for the program or  
16    level of service mandated by this act, within the meaning of Section  
17    17556 of the Government Code.

18    ~~SEC. 6.~~

19    SEC. 7. This act is an urgency statute necessary for the  
20    immediate preservation of the public peace, health, or safety within  
21    the meaning of Article IV of the Constitution and shall go into  
22    immediate effect. The facts constituting the necessity are:

23    In order to permit cities, counties, and a city and county to  
24    preserve development applications that are set to expire and that  
25    cannot be processed presently due to prevailing adverse economic  
26    conditions in the construction industry, it is necessary that this act  
27    take immediate effect.